

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FOX ROTHSCHILD LLP**

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*Proposed Counsel to the Debtor  
And Debtor in Possession*

In re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

Recommended Local Form:

☐ Followed

☒ Modified

**CERTIFICATION OF JOSEPH J. DIPASQUALE IN SUPPORT  
OF APPLICATION FOR RETENTION OF PROFESSIONAL**

I, Joseph J. DiPasquale, Esq., being of full age, certify as follows:

1. I am seeking authorization for Fox Rothschild LLP to be retained as: Counsel to the Debtor, Assuncao Bros., Inc. (the "Debtor").
2. I am admitted to practice law in the State of New Jersey and before this Court.
3. I am a partner with the law firm of: Fox Rothschild LLP ("Fox"), 49 Market Street, Morristown, NJ 07960.

4. Subject to the Court's approval, and pursuant to sections 328, 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, and the rules and other procedures which this Court may fix, the Debtor requests that Fox be retained as its counsel in the subject proceedings, and requests that Fox be compensated on an hourly basis, plus reimbursement of the actual and necessary expenses that Fox incurs, in accordance with Fox's ordinary and customary rates in effect on the date such services are rendered and such expenses are incurred.

5. Fox's hourly rates for its bankruptcy attorneys are as follows:

<b>Classification/Experience</b>	<b>Hourly Rate</b>
Partners of the Firm	\$355 - \$995
Senior Counsel and Counsel (generally 7 or more years' experience)	\$275-\$875
Associates (generally less than 6 years' experience)	\$355 to \$580
Paralegals, Practice Support and Assistants	\$125-\$435

6. The hourly charges set forth above are based upon the experience and expertise of the attorney or legal assistant involved. The hourly rates of the attorneys that will be primarily responsible for Fox's representation of the Debtor in this case range from \$485 to \$910. The hourly rates are subject to periodic adjustments, which occur annually on or about June 1, to reflect economic and other conditions. Fox will advise the Debtor, the Subchapter V Trustee, and the United States Trustee of any increases in its hourly rates.

7. To the best of my knowledge, after reasonable and diligent investigation, Fox's connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee for Region 3, or any person employed in the office of the United States Trustee for the District of New Jersey, is set forth in paragraph 8.

8. In searching for potential connections to this case in connection with this Certification, I caused the names of the parties set forth in **Exhibit A** to this Certification, which is a list of parties-in-interest to be submitted to Fox's internal conflicts procedures. **Exhibit A** includes the following: the Debtor; the member of the Debtor as identified in the First Day Declaration filed on behalf of the Debtor at Doc No. 8 (the "**First Day Declaration**"); the officers and professionals of the Debtor; the lenders and agents of the Debtor; the top twenty (20) unsecured creditors of the Debtor prior to the Petition Date; certain judgment lien creditors of the Debtor; the Judges of the United States Bankruptcy Court for the District of New Jersey; and the United States Trustee for Region 3 and the employees of the Newark, NJ Office of the United States Trustee.

To the best of my knowledge, after reasonable and diligent investigation, the connection of my firm, its members, shareholders, partners, associates, officers and/or employees with the Debtor, creditors, any other party in interest, their respective attorneys, financial advisers, investment bankers and other professionals, the Judges of this District and the designated staff of the office of the United States Trustee, is as set forth in **Exhibit B** hereto. None of the entities listed in **Exhibit B** constitute more than 1% of Fox's gross revenue in Fox's most recent fiscal year.

9. To the best of my knowledge, my firm, its members, shareholders, partners, associates, officers and/or employees and I:

- do not hold an adverse interest to the estate.
- do not represent an adverse interest to the estate.
- are disinterested under 11 U.S.C. § 101(14).
- do not represent or hold any interest adverse to the Debtor or the estate with respect to the matter for which I will retained under 11 U.S.C. § 327(e).

10. If the professional is an auctioneer – N/A

11. If the professional is an auctioneer, appraiser or realtor, the location and description of the property is as follows: N/A

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 26, 2022

/s/ Joseph J. DiPasquale

Joseph J. DiPasquale, Esq.

EXHIBIT A  
LIST OF IDENTIFIED PARTIES INCLUDED IN CONFLICT CHECK

<b>Last/Company Name</b>	<b>First Name</b>
Assuncao Bros., Inc.	
Dinoff	Jacen
KCP Advisory	
Vollers Excavating & Construction, Inc.	
Assuncao	Martin
Manasquan Bank	
NGM Insurance Company	
Black Rock Enterprises, LLC	
A. Azevedo Trucking	
Abreu Truck Service	
Acrow Corporation of America	
Advanced Testing Company, Inc.	
Airgas	
ASCO	
BJR Trucking LLC	
Black Rock Enterprises, LLC	
Brent Material Company	
Buy-Wise	
C&H Bonding	
Campbell Foundry Company	
Cedar Hill Landscaping	
Cesario Construction Company, Inc	
Contech Engineered Solutions, LLC	
County Concrete Corp.	
Credit Card - Capital One - 1285	
Custom Bandag, Inc.	
D&R Industrial Saw Co.	
Dan Swayze & Son Inc.	
Dayton Inspection Services, Inc.	
Down's Tree Service	
East Trading West Investments LLC	
Eastern Concrete Materials Inc	
EBF Enterprises LLC	
Essex County Sheriff's Office	
Extra Duty Solutions	
FAI-GON Electric, Inc.	
FedEx Freight	
Ficor Company, Inc	
First Insurance Funding	
Gamka Equipment, Inc.	

<b>Last/Company Name</b>	<b>First Name</b>
Garden State Precast Inc.	
Hedinger & Lawless L.L.C.	
Highway Equipment Co, of New Jersey, Inc.	
Holt Machinery Company	
Insurance - IOA	
Insurance - OCA Benefit Services	
J.M. Ahle, Inc.	
Jesco, Inc.	
Jobs 4 Blue	
KCP Advisory Group	
KIII Surveying & Const, Services	
Komatsu Northeast	
Lawson Products, Inc.	
Liberty Building Products	
Lisbon Contractors	
Lisbon Trucking	
Lopes Trucking	
Mandelbaum Salsburg	
Mario's Heavy Equipment	
Martin Contracting	
Michael's Towing Service	
Mid Atlantic Truck Center	
Middlesex County Utilities Authority	
National Payment Center	
Nobel Equipment & Supplies, Inc.	
P.M. Construction Corp.	
Pasquale Casuscelli	
Pennsylvania Jersey Concrete	
Photo Dynamics & Maintenance Corp.	
Piscataway Police Department	
POWERPAK	
Precast Systems, Inc	
Ralph Clayton & Sons	
Raritan Pipe & Supply Co.	
Road Safety Systems	
Roche Miseo Barchetto, LLC	
Rockborn Trucking & Excavation, Inc	
Samson Metal Service	
Serg Construction LLC	
Statewide Striping Corp.	

<b>Last/Company Name</b>	<b>First Name</b>
Stavola Asphalt	
Stavola Construction	
Stavola Flemington Asphalt	
Taylor Oil Co.	
Tiffany Electric	
Tilcon New York Inc.	
TMT Transportation LLC	
Traffic Lines, Inc.	
Trench Technologies	
Tulnoy Lumber	
ULMA Form Works, Inc.	
Union - 825 Operators	
Union - Carpenters	
Union - Carpenters Audit Settlement	
Union Local- 472 Laborers	
United Rentals	
Verizon Connect	
Wayne's Tree Service	
White Cap L.P.	
Zuccaro Inc.	
Vaccaro	James



Court and UST Trustee Personnel

Last Name	First Name
Kaplan	Michael
Gambardella	Rosemary
Ferguson	Kathryn C.
Gravelle	Christine M.
Altenburg, Jr.	Andrew B.
Papalia	Vincent F.
Sherwood	John K.
Poslusny Jr.	Jerrold N.
Meisel	Stacey L
Hildebrandt	Martha
Alfaro	Adela
Ardelean	Kirsten K.
Arendas	Francyne D.
Artis	Michael
Bielskie	Lauren
D'Auria	Peter
Fuentes	Neldy
Gerardi	David
Green	Tia
Kern	Joseph
Kropiewnicki	Daniel C.
McGee	Maggie
Nikolinos	Alexandria
Oppelt	Tina
Ortiz-Ng	Angeliza
Schneider Jr.	Robert J.
Sponder	Jeffrey
Steele	Fran B.
Stives	James
Ziemer	William J.

**Exhibit B**

**Parties in interest in this case which Fox Rothschild currently represents  
or formerly represented in matters unrelated to this Subchapter V Case:**

- Airgas – current client; transactional adversities; creditor in unrelated bankruptcies
- FedEx – current client; currently adverse in transactions
- Ralph Clayton & Sons – current client; creditor in concluded, unrelated bankruptcy
- ASCO – current client
- Jesco, Inc. – current client
- Buy-Wise – former client; concluded litigation adversity
- Capital One – former client; creditor in unrelated bankruptcy matters; adverse in litigation and transactions
- Tulnoy Lumber – former client
- United Rentals – former client; adverse in litigation and transaction; creditor in unrelated bankruptcies
- Mandelbaum Salsburg – former client; concluded transactional adversity
- Mid-Atlantic Truck Center – former client
- Stavola Construction – former client
- Tilcon New York, Inc. – former client
- East West Trading – former client
- First Insurance Funding – former client; creditor in unrelated bankruptcies
- Stavola Asphalt – former client
- Stavola Construction – former client
- Union 825 Operators – current litigation adversity
- Campbell Foundry – creditor in unrelated bankruptcy matter
- Traffic Lines, Inc. – creditor in concluded, unrelated bankruptcy
- Union Carpenters – former litigation adversity
- White Cap LP – current litigation adversity; creditor in unrelated bankruptcy
- Custom Bandag Inc. – creditor in unrelated bankruptcies
- Raritan Pipe & Supply – former client; creditor in unrelated bankruptcy
- Taylor Oil Co. – former client
- Eastern Concrete Materials – former client; creditor in unrelated bankruptcy
- JH Ahle – creditor in concluded, unrelated bankruptcy
- Lawson Products – creditor in unrelated bankruptcy
- Union Local 472 Laborers – current litigation adversity
- Contech Engineered Solutions – creditor in unrelated bankruptcy
- ULMA Form Works, Inc. – creditor in concluded bankruptcy
- County Concrete – former client; concluded transactional adversity
- Essex County Sheriff's Office – concluded transactional adversity
- Manasquan Bank – Current client in unrelated matters; conflict waiver letter executed
- NGM Insurance Company - Current client in unrelated matters; conflict waiver letter executed